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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.  |
|---|-------------|----------------------|---------------------|-------------------|
| 09/846,703  | 04/30/2001  | Shozo Imanishi       | M2057-68            | 4923              |
| 7278  | 7590        | 09/06/2006           |                     | EXAMINER          |
| DARBY & DARBY P.C.<br>P. O. BOX 5257<br>NEW YORK, NY 10150-5257 |             |                      |                     | PILKINGTON, JAMES |
|   |             |                      | ART UNIT            | PAPER NUMBER      |
|   |             |                      |                     | 3682              |

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                     |  |
|------------------------------|------------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>       | <b>Applicant(s)</b> |  |
|                              | 09/846,703                   | IMANISHI, SHOZO     |  |
|                              | Examiner<br>James Pilkington | Art Unit<br>3682    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3, 17-22 and 33-38 is/are pending in the application.  
 4a) Of the above claim(s) 4-16 and 23-32 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 17-22 and 33-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Prosecution Application***

1. The request filed on December 19, 2005 for continued examination (RCE) is acceptable and an action on the RCE follows.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "adjusting means", "guide means" and "the first and second drive branching links" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3, 17-22 and 33-36 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-3, 17-22 and 34-36 recite the phase "adjusting means" and "guiding means." The specification does not sufficiently disclose what these adjustment means or guiding means are. What parts are the "adjusting means" and "guiding means" made of? See Examiner Note.

Claim 33 recite the "said adjusting mechanism permitting an adjustment without changing said one dead center position; said adjustment changing said other dead center position of said slide" lines 5-7. It appears to the examiner that the applicant is attempting to claim that one dead center position can be changed without changing the other. The examiner does not see how this is possible since the device is only capable of being switched between the top and bottom dead center positions therefore one dead center position can not remain unchanged if changing the other. Is it the applicant's

intent to claim that the adjusting mechanism (guide board) can be switched between the top and bottom dead center position (it is the guide board which is pivotable) and the slider 14 can be adjusted without changing between different dead center positions?

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 19-22, 33 and 34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re clm 19, the term "proximate" in line 4 is unclear. What constitutes something being proximate? Can something be on the opposite side of the device and still be proximate?

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 17-22 and 33-38, as best understood, rejected under 35 U.S.C. 102(b) as being anticipated by Imanishi, USP 5,848,568.

Re clms 1-3, 17-22 and 33-38, as best understood, Imanishi discloses a slide drive for a press machine, shown in at least Figure 1, having a slide (7) comprising:

- Adjusting means/mechanism (link system as a whole).
- Pivotable about a center position (crank shaft 12 rotates about a center position to drive link 13)
- Said center position being one of a top (when slider 14 is up) and bottom (when slider 14 is down) dead center position of the slide (3, see Figure 1)
- Said adjusting means provided for receiving a reciprocating motion (from part 14)
- A connecting link (21) coupled to the adjust means (part of the device)
- Guide means (14)
- First and second drive branching links (combination of links 23 and 47)
- First and second toggle means (combination of links 44 and 45) coupled to the slide (7)
- A connecting rod (13) slidably guided by the adjusting means
- A crank shaft (12)
- An eccentric part (C4/L13-15) of the crank shaft (12)
- The connecting rod (13) operably connects the eccentric part to the adjusting means
- Said adjusting means being a single shared adjusting means for said slide drive device on which the motion of each of said at least one drive branching (23/47) links is dependent (the movement of the slider (14) and link 21 causes the motion in the branch)
- a guide board (houses slider 14) with a slider (14)

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- a plunger (7) coupled to the toggle links to move the slider (3)
- first and second balancer links (40)

Examiner Note:

Currently the examiner is viewing the phrase "adjusting means" as referring to the device as a whole and the "guiding means" to be the slider 13. The examiner notes that the claimed subject matter has not been construed as invoking 35 U.S.C. 112-6<sup>th</sup> paragraph. If it is the applicant's intent to invoke 35 U.S.C. 112-6<sup>th</sup> paragraph he/she should do so explicitly in response to this action.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-3, 17-22 and 33-38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8.30.06



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER